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OCT 2 2007

UNITED STATES DISTRICT JUDGE

* After admission to bar

October 2, 2007

BY FIRST CLASS MAIL

Hon. Naomi R. Buchwald
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Room 2270
New York, NY 10007
Courtroom: 21A
Chambers Phone: (212) 805-0194

Re: Hochberg v. WZO, Index # 07 CV 3470
Request to extend the Case Management Plan and Scheduling Order

Dear Judge:

The Plaintiff respectfully requests that the court extends the Scheduling Order as follows and for the following reasons:

1) The plaintiff requests that Your Honor extends all of the deadlines that have not yet expired by another 45 days because the Plaintiff looks forward to a resolution of this case on or about November 9, 2007. As Your Honor may remember from our conferences, in addition to this lawsuit (which was initiated by Plaintiff in Supreme Court and removed by Defendant to the SDNY) the plaintiff also filed a complaint with the EEOC based on national origin discrimination. Through defendant's counsel I found out that the EEOC has offered to mediate the discrimination dispute between the parties. The EEOC complaint has many similar issues that are involved in this case. It is possible that if the mediation is successful then the plaintiff will withdraw this complaint and all the issues between the parties will be resolved. We have contacted our client and our client has agreed to a mediation date of November 9, 2007. We related that day to defense counsel who in turn was supposed to contact the EEOC. Currently we are awaiting a response from EEOC with regard to November 9th, 2007 date.

Consequently, we are asking the court to extend all of the deadlines that have not yet expired by another 45 days.

2) The plaintiff also respectfully requests that Your Honor extends the deposition deadline of September 21, 2007 as the defendant's counsel does not agree to do so on consent. The reason for this request is Plaintiff's need to depose additional, most probably the last witness. The delay in taking the deposition arose because the information on this third

*Appropriate
Granted.
So Ordered.*

*Same
Done
Summarized
10/3/07*

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witness, Mr. Kalman Sultanik, became available when I deposed defendant's Treasurer, Shuki Menashe. The notice of deposition was given on September 17, 2007 by fax and by first class letter and as there were Jewish holidays in September, the deposition was noticed for October 3, 2007. Defendant's counsel only yesterday, on October 1, 2007, first raised her objection to the deposition on the grounds of the deadline in case management plan even though she received the notice of deposition on September 17, 2007. I respectfully request that the plaintiff be allowed to proceed with this deposition even though it is after the September 21st deadline, as allowed by section 11 of Case Management Plan. Defendant has deposed the Plaintiff and the Plaintiff has deposed two witnesses. I anticipate this person to be the last witness deposed. If Your Honor grants the 45 day extension, I would like to depose this witness at some future date after the mediation session contemplated for November 9, 2007.

In the event that your Honor will not grant Plaintiff such an extension, I still respectfully request that Your Honor orders the deposition of this last witness on October 3, 2007, as noticed in the Notice of Deposition.

Respectfully submitted,

Gary Psirelman (GT3489)

Application
granted,
Gary Rose
January 2008

10/3/07

To: Shira Y. Rosenfeld
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